

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**DECLARATION OF ALDEN G. HARRIS IN SUPPORT OF  
PLAINTIFF MASTEROBJECTS, INC.'S OPPOSITION TO AMAZON.COM, INC.'S  
MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Alden G. Harris, declare:

1. I am a partner with the law firm of Heim, Payne and Chorush LLP and counsel for MasterObjects, Inc. (“MasterObjects”) in the above-captioned matter. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the facts stated herein. They are true and correct.
2. Attached hereto as **Exhibit 1** is a true and correct copy of Docket Navigator’s “Time to Milestones” report for patent cases assigned to the Hon. James Donato in the Northern District of California.
3. Attached hereto as **Exhibit 2** is a true and correct copy of Docket Navigator’s “Time to Milestones” report for patent cases assigned to the Hon. Lucy H. Koh in the Northern District of California.
4. Attached hereto as **Exhibit 3** is a true and correct copy of Docket Navigator’s “Time to Milestones” report for patent cases assigned to the Hon. Jeffrey S. White in the Northern District of California.
5. Attached hereto as **Exhibit 4** is a true and correct copy of Docket Navigator’s “Time to

Milestones" report for patent cases assigned to the Hon. P. Kevin Castel in the Southern District of New York.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Docket Navigator's "Time to Milestones" report for patent cases assigned to the Hon. Denise L. Cote in the Southern District of New York.
7. Attached hereto as **Exhibit 6** is a true and correct copy of Docket Navigator's "Time to Milestones" report for patent cases assigned to the Hon. John G. Koeltl in the Southern District of New York.
8. Attached hereto as **Exhibit 7** is a true and correct copy of Docket Navigator's "Time to Milestones" report for patent cases assigned to the Hon. J. Paul Oetken in the Southern District of New York.
9. Attached hereto as **Exhibit 8** is a true and correct copy of Docket Navigator's "Time to Milestones" report for patent cases assigned to the Hon. Jed. S. Rakoff in the Southern District of New York.
10. Attached hereto as **Exhibit 9** is a true and correct copy of Docket Navigator's "Time to Milestones" report for patent cases assigned to the Hon. Laura Taylor Swain in the Southern District of New York.
11. Attached hereto as **Exhibit 10** is a true and correct copy of logs indicating the IP address of the Amazon server handling search queries on the Amazon.com website and indicating the physical location of that server's IP address is Ashburn, Virginia. These logs were recorded by MasterObjects' technical consultant Dr. Trevor Smedley on August 17, 2020 near Boston, MA.
12. I understand that the Honorable Judges Donato, Koh, and White are the members of the NDCA patent pilot program. Based on the statistics attached hereto, their average times to jury trial in patent cases are as follows:
  - a. Judge Donato: 23.2 months

- b. Judge Koh: 35.1 months
- c. Judge White: 62.3 months

13. Taking a weighted average (weighted based on the number of jury trials in the data set) the collective average time to trial among the members of the NDCA patent pilot program is 34.6 months.

14. I understand that the Honorable Judges Castel, Cote, Koelzl, Oetken, Rakoff, and Swain are the members of the SDNY patent pilot program. Based on the statistics attached hereto, their average times to jury trial in patent cases are as follows:

- a. Judge Castel: No patent jury trials in data set.
- b. Judge Cote: No patent jury trials in data set.
- c. Judge Koelzl: No patent jury trials in data set.
- d. Judge Oetken: No patent jury trials in data set.
- e. Judge Rakoff: 15.4 months
- f. Judge Swain: 46.4 months

15. Taking a weighted average (weighted based on the number of jury trials in the data set) the collective average time to trial among the members of the SDNY patent pilot program is 19.3 months.

16. Judges Castel and Oetken have model case management plans on their websites. Both model case management plans indicate that pretrial submissions are due 150 days after the case management conference. Assuming the case management conference typically occurs about 30 days after filing, and assuming trial typically occurs about 60 days after the case management conference, the typical time from filing to trial for Judges Castel and Oetken is about 8.0 months.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 21, 2020 in Houston, Texas.



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Alden G. Harris